

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

FILE COPY

IN THE MATTER OF THE APPLICATION	:	
FOR A LICENSE TO PRACTICE	:	FINAL DECISION
AS A LICENSED PRACTICAL NURSE BY	:	AND ORDER
	:	
JANICE WALKER CUSUMANO,	:	
APPLICANT.	:	

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 3rd day of September, 1991.

Jacqueline Johnson, L.N.
Chairperson, B.O.N.

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE APPLICATION	:	
FOR A LICENSE TO PRACTICE	:	
AS A LICENSED PRACTICAL NURSE BY	:	PROPOSED DECISION
	:	
JANICE WALKER CUSUMANO	:	
APPLICANT.	:	

The parties to this proceeding for purposes of Wis. Stats.,
sec. 227.53 are:

Janice Walker Cusumano
610 Vilas Road
Onalaska, WI 54650

Board of Nursing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

A hearing was held in the above-captioned matter on November 27, 1990. Steven M. Gloe, Attorney at Law, appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. The applicant, Janice Walker Cusumano, appeared in person without legal counsel.

Based upon the record herein, the Administrative Law Judge recommends that the Board of Nursing adopt as its final decision in this matter the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Janice Walker Cusumano, 610 Vilas Road, Onalaska, WI 54650, filed an application for licensure by endorsement with the Board of Nursing in November, 1989 for a license to practice as a Licensed Practical Nurse.

2. The applicant was licensed in March, 1969, by the California Board of Vocational Nurse Examiners as a Licensed Vocational Nurse. The applicant's license to practice as a Licensed Vocational Nurse in the State of California was current and active at all times relevant to the time period during which the Board of Nursing considered the application for licensure by endorsement.

3. On August 10, 1990, the Board of Nursing denied the application for licensure by endorsement filed by the applicant on the ground that the applicant had not graduated from an accredited school of practical nursing as required in s. N 3.03 (2)(c) Wis. Adm. Code.

4. The applicant has not graduated from an accredited school of practical nursing as required in s. N 3.03 (2)(c) Wis. Adm. Code.

5. The general education, training and experience acquired by the applicant is not comparable to the requirements in the State of Wisconsin for licensed practical nurses.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this matter pursuant to sec. 441.10 Wis. Stats., and sec. N 3.03 Wis. Adm. Code.
2. The applicant, Janice Walker Cusumano, has not graduated from an accredited school of practical nursing as required in s. N 3.03 (2)(c) Wis. Adm. Code.
3. The general education, training and experience acquired by the applicant is not comparable to the requirements in the State of Wisconsin for licensed practical nurses as required in s. 441.10 (3)(d) Wis. Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED that the application for licensure by endorsement filed by the applicant, Janice Walker Cusumano, for a license to practice as a Licensed Practical Nurse be, and hereby is, **DENIED**.

OPINION

I. GENERAL OVERVIEW

A hearing was held in the above-captioned matter on November 27, 1990. Steven M. Gloe, Attorney at Law, appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. The applicant, Janice Walker Cusumano, appeared in person without legal counsel. Ms. Cusumano testified in support of her application for licensure by endorsement. Wanda Sawyer, R.N., testified at the request of the Department. Exhibits #1, #2 and #4 were stipulated to by the parties. Exhibit #3 was introduced into evidence by the applicant.

II. LEGAL ANALYSIS

1. Legal References

The relevant statutory reference in this case is s. 441.10 (3)(d) Wis. Stats., which reads, in part, as follows:

441.10 Licensed practical nurses.

(3) Licensing.

- (d) The board may license without examination any person who has been licensed as a licensed attendant or licensed practical nurse in another state or territory ... if the person's general education, training, prior practice and other qualifications, in the opinion of the board, are at least comparable to those of this state for licensed practical nurses and current licensing or renewal.

The relevant administrative code references are Wis. Adm. Code ss. N 3.02 and N 3.03 (2) (c) (as in effect, November, 1989), which read, in part, as follows:

N 3.02 Definitions. As used in this chapter:

(1) "Accredited school" means an institution which has a school, college, program or department of nursing which meets standards of the board or of an accrediting body approved by the board.

N 3.03 Qualifications for endorsement.

(2) Licensed Practical Nurse Applicants.
A licensed practical nurse holding a license in another state or U.S. territory ... may become licensed in Wisconsin if the applicant:

(c) Has been graduated from an accredited school of practical nursing;

2. Education Requirements For Licensure

Section 441.10 (3) Wis. Stats., authorizes the Board of Nursing to license without examination any person licensed as a licensed practical nurse in another state, if the person's general education, training, prior practice and other qualifications, in the opinion of the board, are at least comparable to those of this state for licensed practical nurses and current licensing or renewal.

In reference to general education, the Board of Nursing has decided, as set forth in s. N 3.03 (2) (c) Wis. Adm. Code, that the criterion which it will use to determine if an applicant's education is "comparable" to that required in Wisconsin for licensed practical nurses is whether the person has graduated from an accredited school of practical nursing, (refer also to s. 441.10 (1) Wis. Stats., for the education requirements for licensure other than by endorsement).

Section N 3.02 (1) Wis. Adm. Code (as in effect, November, 1989), defines "accredited school" to mean an institution which has a school, college, program or department of nursing which meets standards of the board or an accrediting body approved by the board. Accredited schools for licensed practical nurses must offer a course of not less than nine months (refer to s. 441.10 (1) Wis. Stats. See also s. 441.01 (3) and (4) Wis. Stats; s. 441.12 (2) Wis. Stats., and Ch. N 1 Wis. Adm. Code).

Applicants seeking licensure by endorsement must insure that a "statement of graduation" is completed by the applicant's school of nursing indicating the date the applicant completed the nursing program and confirming that the nursing program was state accredited at the time the applicant graduated from the school (refer to s. N 3.04 (2) Wis. Adm. Code).

In reference to coursework, sec. N 1.06 Wis. Adm. Code sets forth the standards for schools of practical nursing in reference to curriculum, instruction and faculty.

Section N 1.06 (1) Wis. Adm. Code provides that the curriculum shall be based on stated program objectives expressed in terms of required student competencies. There shall be established levels of progression in relation to the stated program objectives. Clinical and theoretical learning experiences shall be consistent with the stated program objectives. Curricular content shall reflect current nursing practice and instruction shall encompass health needs throughout the life span.

Section N 1.06 (1)(b) Wis. Adm. Code provides that all practical nursing programs shall include coordinated theory and clinical experience in at least the following areas:

1. Area of health, growth and development.
 - a. General aspects of human structure and body function.
 - b. General aspects of health; signs of physical and emotional health and normal development; effects of emotional climate upon the health, attitudes and behavior of individuals; and, the family as a social unit.
2. Area of personal and vocational relationships.
 - a. Basic principles of human relationships.
 - b. Legal and ethical responsibilities in nursing.
3. Area of nursing education. The curriculum shall provide content with experiences in meeting basic nursing needs of the individual throughout the life span. Upon completion of the program, the graduate shall be able to:
 - a. Identify basic needs of a patient.
 - b. Employ common nursing measures to meet basic needs of patients.
 - c. Observe and report relevant data regarding a patient's health status.
 - d. Use communication techniques to assist patients to achieve identified goals.
 - e. Establish positive relationships with patients and other health team members.
 - f. Assume responsibility of own actions in providing care to patients within the legal scope of practical nursing.
 - g. Identify the need for continued competency.

III. ANALYSIS OF EVIDENCE

The evidence presented by the applicant in this case does not establish that the applicant has graduated from an accredited school of practical nursing as required in s. N 3.03 (2) (c) Wis. Adm. Code., (as in effect in November, 1989).

Ms. Cusumano admitted that she has not graduated from an accredited school of practical nursing. Ms. Cusumano argues that the Board of Nursing should grant a license to her to practice as a licensed practical nurse based upon the education and training she obtained during the 20 or more years preceding the date of her application for licensure by endorsement.

The "statement of graduation form" which Ms. Cusumano submitted to the Board of Nursing in 1989, as part of her application for licensure by endorsement, states that she received her nursing education from Bella Vista Hospital and that she took the "Boards on experience". The section on the "statement of graduation form" which requires certification by an accrediting school is incomplete and does not contain the information required in s. N 3.04 (2) Wis. Adm. Code (refer to Ex. #1).

1) Education Coursework

The evidence presented indicates that the applicant graduated from Logan High School in 1951. Based upon a review of Exhibit #3, Ms. Cusumano attended East Los Angeles College in Los Angeles and/or Monterey Park, California from 1974 to 1978, during which time she completed the following courses for a total of 27 credits:

- 1) Introduction to Human Anatomy - 3 cr.
- 2) Physiology - 3 cr.
- 3) General Psychology - 3 cr.
- 4) General Microbiology - 4 cr.
- 5) Introduction to Chemistry - 5 cr.
- 6) Math, Drugs, Solutions for Nursing - 3 cr.
- 7) Arithmetic For College Students - 3 cr.
- 8) Understanding Literature English - 3 cr.

In addition to the coursework at East Los Angeles College, the evidence contained in Exhibit #4, indicates that the applicant has acquired education in the following seminars and/or workshops:

- 1) How to Prepare for Medical Staff Coordinators Exam - 10 hrs.
- 2) Exam/Medical Staff Coordinator Certificate - June, 1987
- 3) Exam/Quality Assurance/Utilization Review Certificate 5/87
- 4) Quality Assurance/CHA Notification System - 6 hrs.
- 5) JCAH Preparation - 6 hrs.
- 6) New JCAH Standards - 6 hrs.
- 7) Management Skills Update - 6 hrs.
- 8) Performance Evaluation Workshop - 2 hrs.
- 9) Confidentiality of Medical Records - 6 hrs.
- 10) Medical Staff Credentials - 6 hrs.
- 11) The Quality/Credentialing Connection - 10 hrs.
- 12) Western Schools/Certificate of Completion/Continuing Education Nursing Curriculum/Child Abuse/September, 1990.

2. Training

Ms. Cusumano testified that from 1959 to 1966, she was employed as a nurses aide at Bella Vista Community Hospital in Los Angeles, California. Ms. Cusumano stated that while she was employed as a nurses aide at Bella Vista, she acquired the experience necessary to "take the state boards" to receive her license to practice as a Licensed Vocational Nurse. Ms. Cusumano stated that she received training in medical, surgical, pediatric, geriatric and obstetric care. The evidence indicates that the training which Ms. Cusumano referred to in his testimony, was obtained by her in 1966, (refer to correspondence of Helen Waldmen, R.N., Exhibit #2).

Ms. Cusumano further stated in reference to the training she received at Bella Vista, that the training was acquired through a LVN Program offered by a state college which was affiliated with the hospital; that she did not actually enroll in the state college LVN Program because she had to work and take care of a small son; that the Director of the LVN Program and the Director of Nursing at the hospital permitted her to "go along with" the students in the program so that she could learn along with the students, and that she did not participate in the coursework offered by the state college as part of the LVN Program.

Ms. Cusumano further stated that the state college LVN Program affiliated with Bella Vista was a one year program; that she participated in the program when the students were on the wards; that she was assigned a patient with a student, and that most of the time the instructor was present during the training.

According to Ms. Helen Waldmen, R.N., Assistant Director of Nursing at Bella Vista Hospital from 1954 to 1975, in 1966 the hospital was affiliated with East Los Angeles Jr. College in a training program for LVN students. Ms. Waldmen stated that Ms. Cusumano participated in the program and attended classes at the college; that Ms. Cusumano's goal was to prepare herself to enter the R.N. program; that Ms. Cusumano received training by R.N. instructors as well as licensed staff, and that she completed all areas of training. (Exhibit #2).

3. Work Experience

The evidence presented does not establish that the applicant's experience is comparable to the requirements in this state for licensed practical nurses.

Ms. Cusumano testified that after she obtained her license to practice as a Licensed Vocational Nurse in 1969, she work full-time for a year a LVN at Bella Vista Hospital; that she worked under an R.N.; made rounds with physicians, passed medications, provided physical therapy, started and regulated oxygen, gave injections, and walked, fed and bathed patients. Ms. Cusumano further stated that she also worked as a medicine nurse on weekends at another hospital and that she periodically filled in part-time for other nurses.

Additional work experience obtained by Ms. Cusumano includes, employment at Bella Vista Hospital from 1966 to 1977 as a Medical Records Administrator and/or Medical Records Coordinator, and as an Assistant to the Hospital Administrator/Utilization Review Coordinator from 1975 to 1977. From 1977 to 1987, Ms. Cusumano was employed at Santa Marta Hospital, Los Angeles, California, as a Utilization Review Coordinator/Discharge Planning Duties (1977-1982); as Director of Quality Assurance Program/Hospital-wide Medical Staff Coordinator (1982-1986), and as Director of Medical Staff Affairs (1983-1987). Refer to Exhibits #2 and 4.

4. Analysis

The evidence presented does not establish that the coursework and training obtained by the applicant was completed at an accredited school which meets standards established by the Board or an accrediting body approved by the Board. The evidence also does not establish that the applicant has acquired the knowledge required by the Board for licensure as a licensed practical nurse in this state.

A proper assessment of the knowledge acquired by applicant in completing the coursework which she identified requires a review and analysis of the course content and/or relevant course materials; however, in this case, such information was not offered into evidence by the applicant. Therefore, an assessment of the coursework completed by the applicant must be made based upon a review of the course titles.

In reference to classroom work completed by the applicant at East Los Angeles College, the course "titles" indicate that the applicant completed five science courses (human anatomy, physiology, microbiology, chemistry and psychology); two math course and one English course.

In reference to education acquired by the applicant while attending seminars and workshops, the program "titles" (refer to items #1-12 identified on page 5 herein), indicate that the applicant completed coursework in two programs relating to certification for medical staff coordinators (items #1 and 2); two program relating to quality assurance/utilization review (items #3 and 4); two programs relating to JCAH (items #5 and 6); five programs relating to various aspects of management (items #7-11) and one continuing education program relating to child abuse (item #12).

First, while some of the coursework/training may be relevant in terms of knowledge acquired relating to certain items identified in s. N 1.06 Wis. Adm. Code, it cannot be concluded that completion of such courses constitutes sufficient evidence that the applicant has acquired the necessary knowledge in all of the area identified in that section.

Second, based upon the opinion of Ms. Wanda Sawyer, R.N., the class work completed by the applicant is not appropriate for L.P.N students today.

Ms. Sawyer testified at the request of the Department of Regulation and Licensing, Division of Enforcement. Ms. Sawyer has been a registered nurse in the State of Wisconsin since 1952, and an instructor in practical nursing for 25 years at Madison Area Technical College, Madison, Wisconsin.

Ms. Sawyer testified that the training program for practical nurses in Wisconsin is a one year, two semester program which consists of three days of theory and two days of clinical training the first semester, and two days of theory and three days of clinical training during the second semester.

Ms. Sawyer further stated that in her opinion, based upon a review of Exhibits #1-3, and upon the testimony offered by Ms. Cusumano at the hearing, the class work completed by Ms. Cusumano is not appropriate for L.P.N students today. Ms. Sawyer stated that students enrolled in the program at Madison Area Technical College are required to take courses in medications, math and body structure, but students are not required to take English, chemistry, microbiology or psychology per se. Ms. Sawyer stated that the theory offered today is much more than any offered before; that it is very important that the theory and clinical go together so that the students learn theory and then learn how to implement theory in clinical practice.

Ms. Sawyer testified that the training for practical nurses has changed in the last 20 year in terms of nursing skills and processes needed to practice, such as surgical dressing, nursing assessment, more evaluating, more problem solving, computerized charting, nursing diagnoses, and assessing the needs of patients and implementing those needs. Ms. Sawyer stated that previously students were handed an assignment sheet which contained instructions for them to follow. Ms. Sawyer further stated that now students are expected to make more assessments, within the law, and make decisions as to needs for a particular patient and to make a nursing care plan as to implementation. Ms. Sawyer stated that additional special skills which are needed now by licensed practical nurses include oxygen therapy, injections, oral medications, irrigations, nasogastric suction, dressings, catheter insertions and eye and ear irrigation.

Third, in reference to the additional work experience obtained by Ms. Cusumano after leaving practice in 1970 as an L.V.N., the evidence indicates that Ms. Cusumano's experience involved primarily "administrative" work which indirectly related to the practice of nursing. This conclusion is consistent with Ms. Cusumano's own characterization of her experience. Ms. Cusumano noted on a letter attached to her application for licensure by endorsement, that she "worked as a LVN nurse a short time at East Los Angeles Hospital about 20 years ago and have since been working in the administrative areas". (Exhibit #1).

IV. EXERCISE OF DISCRETION

Section 441.10 (3)(d) Wis. Stats., grants discretionary authority to the Board of Nursing to license a person without examination who has been licensed as a licensed practical nurse in another state, if the person's general education, training, prior practice and other qualifications, in the opinion of the board, are at least comparable to those of this state for licensed practical nurses and current licensing or renewal.

Discretion may be defined, when applied to public functionaries, as the power or right conferred upon them by law of acting officially under certain circumstances, according to the dictates of their own judgment and conscience, and not controlled by the judgment or conscience of others. The very essence of discretionary power is that the person or persons exercising it may choose which of several courses will be followed. 2 Am.Jur 2d. Administrative Law, Sec. 83.

Generally speaking, the only restraint upon the exercise of discretion by an administrative agency is that it act in good faith and not in abuse of its discretion. Discretion must be exercised according to fair and legal considerations, in accordance with established principles of justice and not arbitrarily or capriciously, fraudulently, or without factual basis. 2 Am. Jur. 2d. Administrative Law, sec. 192.

Discretion is not synonymous with decision-making. Rather, the term contemplates a process of reasoning which depends on facts that are of record or reasonably derived by inference from the record, and a conclusion based on a logical rationale founded on proper legal standards. The record must show that discretion was in fact exercised. Reidinger v. Optometry Examining Board, 81 Wis. 2d 292, 297, 260 N.W. 2d 270 (1971); McCleary v. State, 49 Wis. 2d 263, 277, 182 N.W. 2d 512 (1971).

It is clear that the primary function of the Board of Nursing under sec. 441.10 (3) Wis. Stats., is to insure the competency of individuals who apply for licensure by endorsement under that section. The Board of Nursing has established the criterion which is to be used in determining whether an applicant has qualifications comparable to those required in this state for licensed practical nurses. The evidence in this case is clear that the applicant does not have qualifications comparable to those required in this state for licensed practical nurses. The applicant has not graduated from an accredited school of practical nursing, the applicant's relevant nursing experience was obtained over twenty years ago, and the evidence establishes that the training for licensed practical nurses has changed significantly over the last twenty year.

The purpose of licensing statutes is not to benefit those persons licensed to practice under the statute, but rather to protect the public by the requirement of a license as a condition precedent to practicing in a given profession. Gilbert v. Medical Examining Board, 119 Wis. 2d 168, 188, 349 N.W. 2d 68 (1984); Laufenberg v. Cosmetology Examining Board, 87 Wis. 2d 175, 184, 274 N.W. 2d 618 (1979).

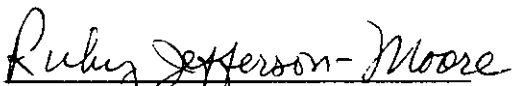
It is the opinion of the Administrative Law Judge, based upon the evidence presented in this case, that a decision by the Board of Nursing to deny the applicant's request for licensure by endorsement based upon the applicant's failure to meet the criterion set forth in s. N 3.03 Wis. Adm., would constitute a proper exercise of discretionary power.

V. RECOMMENDATIONS

Based upon the evidence presented and the discussions set forth herein, the Administrative Law Judge recommends that the Board of Nursing adopt as its final decision in this matter, the proposed Findings of Fact, Conclusions of Law and Order as set forth herein.

Dated at Madison, Wisconsin, this 21st day of March, 1991.

Respectfully submitted,


Ruby Jefferson-Moore
Administrative Law Judge

NOTICE OF APPEAL INFORMATION

**(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)**

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Board of Nursing.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Board of Nursing

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Board of Nursing.

The date of mailing of this decision is September 4, 1991.

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

227.52 Judicial review; decisions reviewable. Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125, decisions of the department of employee trust funds, the commissioner of banking, the commissioner of credit unions, the commissioner of savings and loan, the board of state canvassers and those decisions of the department of industry, labor and human relations which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) 1. Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. If the agency whose decision is sought to be reviewed is the tax appeals commission, the banking review board or the consumer credit review board, the credit union review board or the savings and loan review board, the petition shall be served upon both the agency whose decision is sought to be reviewed and the corresponding named respondent, as specified under par. (b) 1 to 4.

2. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency.

3. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions

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